

Application granted.

Law Offices of As the USDA reportedly
 Bruce Levinson, Esq. provided the
 747 Third Avenue, New York, New York 10017-2803 last week,
 Tel: (212) 750-9898 Fax: (212) 750-2536 plaintiff's expert
 E-mail: b.levinson@venison.net report concerning
 the transport, cold

Bruce Levinson

Gregory Brown

VIA ECF

Hon. Roanne L. Mann
 United States District Court
 225 Cadman Plaza East
 Brooklyn, New York 11201

Re: David E. White Company, Inc. v. AAAP USA Corporation;
 Case No. 08-cv-827 (FB) (RLM)

Honorable Madam:

Following up on our letter dated December 22, 2009, I have presented plaintiffs' proposal concerning the service of expert discovery in the above-referenced to all counsel of record. Counsel for Lucca Freezer and Cold Storage has no objections. Counsel for AAAP USA has not responded. Accordingly, we respectfully renew our request that plaintiff be granted leave to serve their first expert report (concerning the transport, cold treatment, and clearing through customs of citrus from Italy) within thirty days of the receipt by our office of the USDA materials. To the extent that defendant or third-party defendant will present expert testimony related to the subject matter covered in that report, those parties would be able to serve their own expert disclosure related to the transport, cold treatment and clearing through customs of citrus from Italy within sixty (60) days (for defendant) or ninety (90) days (for third-party defendant) of the date of service of plaintiff's first expert report. However, to the extent that defendant or third party defendant will present expert testimony on other matters, we ask that they be obligated to comply with their current respective deadlines for expert disclosure.

Thank you for your attention to this matter. Happy Holidays.

Respectfully yours,
 Law Offices of Bruce Levinson

By:

Gregory Brown

cc.: Richard E Schrier, Esq. (via ECF)
 David A. Group, Esq. (via ECF)
 Trinity Fruit Sales Co.

SO ORDERED:

/s/

Roanne L. Mann

U.S. Magistrate Judge

Dated: 1/19/10